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PLANNING STUDY for the REGIONAL MUNICIPALITY OF NIAGARA

by
Donald A. Stewart

**Niagara Region
Review Commission**



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BACKGROUND STUDY

PLANNING STUDY FOR THE REGIONAL MUNICIPALITY OF NIAGARA

by

Donald A. Stewart

Conlin Engineering & Planning Ltd.

October, 1988

This background study has been prepared for the Niagara Region Review Commission to assist it in its deliberations. All recommendations, conclusions or comments in this study are strictly those of the authors of the study and do not necessarily reflect the views of the Commission.

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Niagara Region Review Commission

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EXECUTIVE SUMMARY AND RECOMMENDATIONS

The Niagara Region Review Commission was established to, among other things, examine the land use planning process and relationships in the Regional Municipality of Niagara, and to determine if areas of overlap and conflict exist. Based on our interviews with some thirty (30) elected officials, municipal planning directors, Provincial representatives and others, it became apparent that there were and are several areas where there is an overlap and duplication of services. It is within these areas that some of the prime concerns were expressed. While there may be conflicting interests, perspectives and issues, to describe these as conflicts is perhaps an over-statement. There was general agreement that the Region has a valid role to play and that it is a necessary and beneficial structure.

There is however, a considerable degree of concern regarding several areas within the organizational and administrative structure, and operating relationships between the various parties involved. Those areas of concern and, to put it in a constructive manner, those opportunities for improvement can be grouped into what we have referred to as four (4) "C's". In the approximate order of frequency of mention and extent of concern, as indicated by the interviewees, those four (4) "C's" are:

- 1) Comments
- 2) Co-ordination
- 3) Communication
- 4) Clarification

In our opinion, if specific actions can be taken in those four (4) areas, a significant improvement can be achieved in the land use planning process and operating relationships within the Regional Municipality of Niagara.

In terms of what we feel to be the order of importance of the four (4) "C's", the most critical improvement to be made is that of a clarification of the roles and responsibilities for not only the Regional and area municipalities, but also Provincial agencies in the land use planning process. In particular, there

should be an identification of, and further agreement on, what types of activities and issues are considered to be of Regional, local, and Provincial significance. Many can be easily identified but, where there is no agreement, guidelines should be established to deal with them. These latter areas will still result in certain degrees of tension or conflicting interests. However, those different interests can be best protected with more than one agency or body involved in the review or monitoring of them.

Once there has been further clarification of roles and responsibilities, the Region can more readily co-ordinate the various levels of planning and actors in the process, whether it be in relation to policies or in implementation through the different development procedures. This includes not only the government agencies and municipalities, but also the development industry. The Region has an opportunity to provide an internal co-ordinating role between different departments of the Region and other external bodies. This is of particular significance with respect to Regional comments on municipal development applications.

Along with an improvement in co-ordination is the necessity and opportunity for increased communication. Communication, or the lack of it, is the basis for many of the other difficulties encountered. Regardless of the process, communication is probably the most significant factor which will affect the operation of a "system". In the case of the Regional Municipality of Niagara, improved communications is the route to increased understanding between the Region and municipalities, and between them and other agencies, the development industry, and the public.

Improved clarification of roles, responsibilities and capabilities will foster a more effective and improved system of commenting on planning matters. In some cases this commenting will be more restricted, as in the case of Regional comments on development applications. In others, it will be more definitive, as in the example of the Land Division Committee providing more complete explanations for its decisions. In still others, it may

include more careful consideration or review of development applications and agency comments as in the case of both the Region and various Provincial agencies.

If a major change can be achieved in these four (4) "C's", it is our opinion that a very significant improvement can be realized in the efficiency and effectiveness of the land use planning process in the Regional Municipality of Niagara without making any structural changes. In order to realize these opportunities for improvement in the planning process and operating relationships within the Region, we propose the following recommendations.

WE RECOMMEND THAT:

1. A JOINT MUNICIPAL/REGIONAL STAFF GROUP PREPARE A MUTUALLY AGREED UPON LIST OF RESPONSIBILITIES WHICH FALL INTO EITHER THE REGIONAL OR MUNICIPAL CATEGORY. A SET OF CRITERIA SHOULD ALSO BE ESTABLISHED TO INDICATE CONDITIONS UNDER WHICH CERTAIN LOCAL RESPONSIBILITIES WOULD WARRANT REGIONAL CONSIDERATION;
2. REGIONAL PLANNING STAFF SPECIFICALLY AND ACTIVELY SEEK MUNICIPAL INPUT ON POLICIES WHICH SHOULD BE ADDED TO THE REGIONAL PLAN TO PROVIDE MORE DIRECTION AND ASSISTANCE FOR THE FORMULATION AND IMPLEMENTATION OF MUNICIPAL PLANNING POLICIES;
3. THE REGIONAL AND MUNICIPAL STAFF FORMULATE A SERIES OF GUIDELINES TO ESTABLISH WHEN DETAILED REGIONAL COMMENTS ON DEVELOPMENT APPLICATIONS ARE APPROPRIATE;
4. WHEN THE REGION IS CIRCULATED WITH AN APPLICATION, IF THERE IS NO OBJECTION OR CONCERN, A SIMPLE AND BRIEF FORM LETTER RESPONSE BE UTILIZED. ALTERNATIVELY, A TIME LIMIT FOR RECEIVING COMMENTS MIGHT BE STATED, AFTER WHICH TIME IT COULD BE ASSUMED THAT THERE IS NO CONCERN;

5. THE REGIONAL PLANNING DEPARTMENT ASSUME THE ROLE OF DESIGNATED CONTACT FOR REGIONAL RESPONSES AND COMMENTS ON MUNICIPAL DEVELOPMENT APPLICATIONS, AND THAT A TIME LIMIT BE PLACED ON RECEIVING COMMENTS FROM OTHER INTERNAL DEPARTMENTS TO ENSURE SPEEDY RESPONSES TO THE MUNICIPALITY;
6. THE REGIONAL PLANNING STAFF UNDERTAKE A REVIEW OF PROCEDURES USED FOR ALL DEVELOPMENT APPLICATIONS, AND THAT A PROCEDURAL GUIDE FOR EACH TYPE BE DRAFTED IN CONJUNCTION WITH THE OTHER GROUPS INVOLVED. THIS GUIDE SHOULD ALSO INDICATE, TO THE DEGREE POSSIBLE, THE LIKELY REQUIREMENTS OF OTHER AGENCIES OR AREA MUNICIPALITIES;
7. DURING THE CURRENT REVIEW OF THE PLAN, SPECIFIC EFFORTS BE UNDERTAKEN TO ENSURE THAT FURTHER SUBSTANTIVE, DIRECTIVE AND EVALUATIVE POLICIES AND GUIDELINES ARE INCLUDED;
8. THE REVIEW AND POLICY FORMULATION PROCESS BE UNDERTAKEN DIRECTLY AND JOINTLY WITH ELECTED OFFICIALS TO ENSURE THEIR WHOLEHEARTED COMMITMENT TO, AND SUPPORT OF, THE REVISIONS TO THE PLAN;
9. A MUTUAL AGREEMENT BE FORMULATED REGARDING THE EXTENT AND FORM OF REGIONAL COMMENTS TO BE MADE AT THE TIME OF ZONING BY-LAW ADOPTION;
10. FORMAL CONSIDERATION BE GIVEN TO FURTHER DELEGATION OF THE SUBDIVISION APPROVAL AUTHORITY TO THE REGIONAL PLANNING DIRECTOR;
11. THE PROCEDURAL GUIDE FOR SUBDIVISION DEVELOPMENT APPLICATIONS INDICATE WHICH MUNICIPAL REQUIREMENTS AND CONCERNS SHOULD BE ADDRESSED PRIOR TO FORMAL SUBMISSION OF THE APPLICATION;
12. FURTHER EFFORTS BE MADE TO DETERMINE WHERE AND HOW THE TIME REQUIRED FOR OBTAINING COMMENTS AND RESOLVING CONCERNS IN THE SUBDIVISION APPROVAL PROCESS CAN BE SHORTENED. THIS SHOULD INCLUDE CONSIDERATION OF A COMMITTEE TO FACILITATE AND CO-ORDINATE SUCH DISCUSSIONS;
13. APPROPRIATE ROAD WIDENING POLICIES BE INCLUDED IN THE REGIONAL PLAN;

14. A SET OF EVALUATIVE CRITERIA BE ESTABLISHED FOR DETERMINING WHEN DETAILED REGIONAL COMMENTS ON SITE PLAN APPROVAL APPLICATIONS WILL BE APPROPRIATE;
15. GUIDELINES BE ESTABLISHED TO DETERMINE WHEN THE REGIONAL PLANNING DEPARTMENT SHOULD MAKE COMMENTS ON CONSENT APPLICATIONS;
16. DISCUSSIONS BE HELD BETWEEN THE REGION AND MUNICIPALITIES WITH RESPECT TO THE TYPES OF CONDITIONS WHICH CAN BE INCLUDED AS A PREREQUISITE TO THE GRANTING OF CONSENT APPLICATIONS;
17. FURTHER CONSIDERATION AND DISCUSSION BE UNDERTAKEN REGARDING THE PRINCIPLE OF DELEGATING THE IMPLEMENTATION OF THE NIAGARA ESCARPMENT PLAN TO THE REGION AND LOCAL GOVERNMENTS;
18. CURRENT DISCUSSIONS ABOUT PLANNING RESPONSIBILITIES AND AUTHORITY FOR LAND USE ON AND ADJACENT TO NIAGARA PARKS COMMISSION LANDS PROVIDE FOR THE INCORPORATION OR AMALGAMATION OF CERTAIN PLANNING AND DEVELOPMENTAL APPROVAL FUNCTIONS AT THE REGIONAL AND/OR MUNICIPAL LEVEL;
19. A SYSTEM OF REGULAR MEETINGS BE ESTABLISHED BETWEEN MUNICIPAL AND REGIONAL PLANNERS, WITH THE LOCATIONS AND RESPONSIBILITY FOR THE MEETINGS ROTATING THROUGHOUT THE REGION;
20. AT THE REQUEST OF THE MUNICIPALITIES, THE REGIONAL STAFF ENDEAVOUR TO PROVIDE ADDITIONAL SPECIFIC RESEARCH ASSISTANCE, INCLUDING PRESENTATIONS TO AREA COUNCILS; AND
21. THE REGIONAL PLANNING DEPARTMENT, EITHER INDEPENDENTLY OR AS PART OF A LARGER REGIONAL EFFORT, EXAMINE ADDITIONAL STRATEGIES FOR IMPROVING THE GENERAL PUBLIC'S UNDERSTANDING OF THE REGIONAL PLANNING ROLE IN THE LAND USE PLANNING PROCESS.

1. NIAGARA REGION REVIEW

1.1 Purpose and Objectives

The Niagara Region Review Commission was established in 1988 to examine, evaluate and report to the Minister of Municipal Affairs on various representation, accountability, functional and financing issues, and on the division of responsibilities in the Regional Municipality of Niagara. Consultants have been hired to undertake major analytical reviews of certain services, including the provision of planning services. In addition to the Planning Study, there are others dealing with: the relationship between Regional Council and the Police Commission; Economic Development; Public Works; Data Set; Revenue and Expenditure Analysis; Agencies, Boards and Commissions; and Accountability and Representation.

These consultant studies will provide the Commission with background information on specific issues and alternative ways of dealing with them. Once the studies are completed in November the Commission will receive comments on these and other reports, and will then obtain further public input. The projected completion date for the Final Report to be prepared by the Niagara Region Review Commission is February, 1989.

1.2 Planning Study

The purpose of the Planning Study is to examine the statutory responsibilities and operating relationships of the Regional Municipality of Niagara, the area municipalities and government agencies. The objectives of the study as outlined in the Terms of Reference in Appendix I, are to assess the efficiency and effectiveness of the land use planning process in the Regional Municipality of Niagara, as experienced by various parties involved in the process. Another objective has been to identify areas of overlap and/or conflict between these parties and to determine areas where improvements can be made in the administration of official plans, zoning by-laws, subdivision approvals, land severances, minor variances and related regulatory procedures within the Region.

1.3 Study Approach

The basis of the work program for this study has been a series of approximately twenty-nine (29) interviews (see Appendix 2) with local municipal planning directors, regional staff, elected officials, selected Provincial agencies and ministries and a representative from the development industry.

Each interview lasted approximately one (1) hour. For the municipal planning directors, a specific set of questions was used to focus the discussions on particular matters. While they were not restricted to the order or content of the questions, the questions generally dealt with:

1. the interviewees' own perceptions of the defined responsibilities and roles of the Region and the area municipalities;
2. areas in which it was felt there was an overlap in responsibilities, an overstepping of certain responsibilities, or a failure to carry out responsibilities;
3. methods by which differences might be resolved in order to make the planning function more effective and efficient;
4. areas in which the interviewees felt there should be changes in legislation related to that activity;
5. comments on how specific procedures and development approval processes work within the Region and any difficulties encountered with these;
6. the perceived roles and current operating relationships with other agencies in the planning process; and
7. the most beneficial aspects of Regional government.

For the people interviewed who were not municipal planning directors, the interviews were general discussions related to the experience the person or agency had with the planning function in the Region.

Before dealing with the topics and issues which were raised during the course of, or subsequent to, the interviews it should be noted that the issues and concerns were those perceived by the respondents. While we have used examples of these and generalized others, this should not necessarily be construed as agreement that they are in fact real problems. The significant point is that they are perceived as such. In either case, the objective should be to resolve or eliminate the concern or the perception, regardless of which of the two is the most accurate description.

2. REGIONAL PLANNING: RESPONSIBILITIES AND ROLES

2.1 Early Planning In The Niagara Region

Prior to the formation of the Regional Municipality of Niagara, the Niagara region area consisted of twenty-six (26) individual municipalities in the Counties of Lincoln and Welland. At that time the more rural areas included a number of separate small villages, towns and the surrounding townships. Most of the smaller municipalities did not have any planning staff or carry on an active planning function. In 1970, the Province of Ontario formed the Regional Municipality of Niagara and consolidated the twenty-six (26) former municipalities into twelve (12) area municipalities under the Regional Municipality of Niagara Act.

2.2 Enabling Legislation

Under the Regional Municipality of Niagara Act, the planning function is a shared responsibility between the twelve (12) municipalities and the Region. Section 15 of the Planning Act, 1983 provides for a regional municipality to undertake certain planning functions. Regional municipalities may:

- (a) assume any authority, responsibility, duty or function of a planning nature that the local municipality has under this or any other Act; or,
- (b) provide advice and assistance to the local municipality in respect of planning matters generally.

In addition to this, Section 4(1) of the Planning Act, 1983 provides that the Minister may delegate any of his authority (other than the authority to approve its own Official Plan or an amendment) to a municipal council. Accordingly, this also allows for the delegation of ministerial power to a regional municipality as well. In the Regional Municipality of Niagara, those powers which have been delegated to the Region will be discussed in greater detail in later sections.

2.3 Definition of Responsibilities and Roles

This section is intended to deal with overall functions and activities of the Region and municipalities. It should be noted that everyone interviewed felt there was a useful role for the Region to play and that it provided a valuable and necessary role in the delivery of planning services to the municipalities. There was, however, a considerable difference in the interpretation of those specific roles and responsibilities.

2.3.1. Regional Responsibilities

The legislation within the Regional Municipality of Niagara Act only indicates that the Region should deal with "problems or matters affecting the development of the Planning Area." Section 101 (1) states:

"The Regional Council shall investigate and survey the physical, social and economic conditions in relation to the development of the Niagara Planning Area and may perform such other duties of a planning nature as may be referred to it by any council having jurisdiction in the Planning Area, and without limiting the generality of the foregoing it shall,

- (a) prepare maps, drawings, texts, statistical information and all other material necessary for the study, explanation and solution of problems or matters affecting the development of the Planning Area;
- (b) hold public meetings and publish information for the purpose of obtaining the participation and co-operation of the inhabitants of the Planning Area in determining the solution of problems or matters affecting the development of the Planning Area; and
- (c) consult with any local board having jurisdiction within the Planning Area."

All interviewees gave some indication that there were certain issues and concerns that were most appropriately dealt with at the Regional level. They included:

- the preservation and protection of good agricultural and tender fruit lands;

- the protection and management of the resource base, including aggregates, scenic resources, environmental resources and recreational resources;
- generally, the directing of overall development within the Region. In some cases this was identified as directing development to areas above the Niagara Escarpment and identifying areas for future growth;
- issues dealing with the expansion of urban areas; and
- certain issues within the urban areas such as regional shopping centres and other issues which affect all municipalities.

In other cases, there were items which were felt to be Regional responsibilities but which were not being adequately fulfilled by the Region. These included the gathering of additional data which would be of use to municipalities, the assessment of land capability for agriculture and the review of transportation trends and the transportation network within the Region.

2.3.2 Role of the Region

With respect to the general categorization of roles indicated by those interviewed, the two (2) major roles of the Region are those of assisting co-ordination for the municipalities. Many planning directors felt that a valid and valuable role for the Region is to provide assistance by conducting studies. This might be necessitated because of a lack of municipal staff to conduct such work and/or a lack of staff time available. In some cases, the larger regional staff can offer a level of specialized expertise and advice not commonly available within the smaller municipalities.

In terms of co-ordination, the Region can deal with regional scale policy issues which extend beyond the boundaries of any given municipality and co-ordinate the interaction and handling of these matters between the municipalities. As an extension of the co-ordination role, it was also felt that the Region can and should provide leadership to give direction to the municipalities

regarding certain issues. This can be done through the policy and content of the Regional Policy Plan. When necessary, the Region can provide a conciliatory function between municipalities when there are differences regarding such issues.

Section 15 of the Planning Act, 1983 does little to clarify the role of the Region other than to say that regional municipalities can do any or all of the duties or functions done by the local municipality. Within the Regional Policy Plan, two (2) objectives address this matter, but take it no further than is stated. They are:

Objective 3.8 To have planning responsibilities and authority for particular matters borne by the level of government best suited to the particular task.

Objective 3.9 To promote co-operation and co-ordination of planning activities among each of the municipalities, between the local municipalities and the Region, and with adjacent regions and municipalities.

These objectives are re-stated again in Section 12 as the main implementation objectives of the Plan. However, the policies which follow do not expand further on this.

Conclusion

The issue of what are regional and local responsibilities forms the basis for much of the dissatisfaction noted in the municipal interviews. Several people stated specifically that these responsibilities were not clearly defined. Clarification would do much to eliminate the overlap and the frustration which result from the duplication of services and energy. This clarification might be accomplished through a series of workshops and discussion papers. A joint effort to establish and agree upon certain responsibilities as being either regional or local should be undertaken. A number of the major issues and planning concerns could be categorized easily in one or the other. For those which are questionable, certain guidelines and criteria

might be established to at least decrease the size of that category. Those that remain questionable are areas where the necessary overlap will ensure that all interests are recognized and protected.

WE RECOMMEND THAT:

1. A JOINT MUNICIPAL/REGIONAL STAFF GROUP PREPARE A MUTUALLY AGREED UPON LIST OF RESPONSIBILITIES WHICH FALL INTO EITHER THE REGIONAL OR MUNICIPAL CATEGORY. A SET OF CRITERIA SHOULD ALSO BE ESTABLISHED TO INDICATE CONDITIONS UNDER WHICH CERTAIN LOCAL RESPONSIBILITIES WOULD WARRANT REGIONAL CONSIDERATION.

2.4 Regional Official Policy Plan

Section 101(2) of the Regional Municipality of Niagara Act directed that Niagara Regional Council prepare an Official Plan for the Regional area before December 31, 1973. During the course of the plan preparation, there was considerable discussion regarding the extent of future urban development in agricultural areas. In 1975, the Province informed the Region that the urban area boundaries within the proposed Regional Plan were too large and that they should be reduced in size. Several further discussions and modifications were made to the urban area boundaries and on June 16, 1978, the Minister of Housing approved a large portion of the Policy Plan. However, certain portions of the Urban Areas Boundaries Maps were referred to the Ontario Municipal Board (OMB). OMB Hearings were held and in February, 1981, the OMB approved some parts and modified other parts of the maps and text. The only items not yet (1988) approved in the Official Plan are small portions of the Urban Areas Boundaries Map for Niagara-on-the-Lake and small portions of the Agricultural Land Base Map.

The approved Official Plan is currently being reviewed as a major component of the 1988-89 Regional Planning Department Work Program. While the intent of this study is not to examine the substance of the Regional Plan or local area plans, some examination of those objectives and policies may provide assistance in analyzing the operating relationships for the regional planning function.

In the Objectives chapter of the Regional Plan, the first Basic Objective is "to protect the agricultural industry and its land resources in recognition of its contribution not only to the economy of the Region and the nation but as a worthwhile lifestyle and important component in the overall character of the Region." Within Chapter Six of the Policy Plan, "Agricultural and Rural Areas", are an additional six (6) objectives related specifically to preserving agricultural land for agricultural uses; encouraging growth of a viable agricultural industry; and reducing further conflicts between agricultural and non-farm uses. There are some sixteen (16) policies on agriculture and an additional eleven (11) policies for rural areas, as compared to a total of only twenty (20) policies for all urban areas and uses within urban areas. This obviously emphasizes the importance placed on the agricultural area.

Without debating the merits of what should or should not be included in the Regional Plan, the municipal responses in interviews have indicated there should be more specific policy content in certain areas - in particular the provision of additional transportation policies, especially road widening policies; additional direction regarding the staging and phasing of services for new development; and economic development. Such policies should assist the municipalities and the Region in directing and facilitating development in those areas where growth is to be encouraged.

As a part of the Plan review, a report by the Regional Planning staff in May 1988 entitled "A Comparison of Policy Plans" concluded that the Regional Niagara Policy Plan does differ from other regional plans in that it:

- does not include population forecasts and distributions which is viewed as an important function in several other plans;
- does provide a more explicit definition of urban boundaries than most plans;
- does not include a specific economic section but includes some policies in several policy sections;
- takes a similar approach to most plans in directing non-urban growth to hamlet and rural areas;

- is more restrictive than most plans when dealing with non-farm use in agricultural areas;
- includes similar approaches to environmental protection but generally contains less direction and detail than several other plans;
- provides less detail than most plans regarding public works.

The report goes on to note,

"...the Niagara Plan does not have some of the comprehensiveness and level of detail provided in other plans in such areas as economic development and the environment. In some cases this detail seems unnecessary. However, in other situations this provides important direction and tools for implementation. One of the challenges to be faced in our review will be striking an effective balance."

Conclusion

The current review of the Regional Policy Plan is appropriately timed to reassess the extent and level of detail to be included in the Plan. Given the degree of concern by local planners, it would also seem appropriate to actively seek input from them regarding additional policies, content and direction that might be included to provide further helpful direction for area planners and local plans.

If the Regional Plan is to bring together the land use policies of the different municipalities in an effort to achieve overall Regional objectives, the Regional Plan itself should be:

- clearly and concisely enunciated;
- capable of being measured, evaluated and implemented; and
- able to provide adequate direction and focus toward which the more detailed local Official Plan policies can be aimed.

WE RECOMMEND THAT:

2. REGIONAL PLANNING STAFF SPECIFICALLY AND ACTIVELY SEEK MUNICIPAL INPUT ON POLICIES WHICH SHOULD BE ADDED TO THE REGIONAL PLAN TO PROVIDE MORE DIRECTION AND ASSISTANCE FOR THE FORMULATION AND IMPLEMENTATION OF MUNICIPAL PLANNING POLICIES.

3. PLANNING AND DEVELOPMENT APPROVAL PROCESSES

For the public, and even for those involved in land use planning, the process of obtaining approvals for various types of development is often perceived as, and in fact is, a complicated, cumbersome and lengthy process. On the one hand is the desire to speed up the approval process to allow development to proceed. This has been a popular topic of study over the past years. At present, under the Chairmanship of the Minister of Municipal Affairs, a joint Association of Municipalities of Ontario (A.M.O.)/Development Industry/Governmental Committee has been established with the objective of determining ways to speed up the planning approval process. They intend to have a report finalized before the end of 1988.

On the other hand are the different interests and interest groups to be considered, including ratepayer, citizen and environmental groups. There are also the municipal, regional and Provincial bodies or agencies normally associated and empowered with the authority to protect and promote their own interests and mandates. In the Niagara area, not only are there these usual groups and bodies, but in addition there are the Niagara Escarpment Commission and Niagara Parks Commission. Both of these agencies have not only a considerable (in size, value and desirability) land area within their jurisdiction, but they also have a very significant degree of authority with respect to the development of such lands. Presently there are other studies being undertaken to resolve who should have what jurisdiction within the land development and planning processes. Some of these will be expanded upon in later sections.

3.1 General

Prior to dealing with issues and concerns regarding specific development approval processes and procedures, some comments and issues have been identified which persist throughout and which are essentially the same, regardless of the process.

By far the most predictable and consistent issue or concern raised in virtually every interview was that of regional comments on development applications. While no one indicated or implied that the Region should not be commenting on certain development approval applications, the concern raised was that the Region almost invariably commented on applications that had no regional

significance or on which there was no regional concern. Typically the Region might send a one (1) or two (2) page comment which essentially re-iterated the Municipal Planning Report, and which in the end indicated no significant Regional concern or objection. In most cases, this overlap or duplication of activity seemed to produce a frustration, irritation or resentful response on the part of the municipal planners. They frequently felt that the Region could much more effectively use the time to be doing some other research that would be more beneficial. In other cases the planners felt that this comment confused or complicated the discussion of a local issue. Some felt that the Region, by commenting, seemed to imply the local planners were not capable of making a thorough planning assessment.

Conclusion

The historical evolution of this issue may relate back to earlier days in the Region when all municipalities did not have their own planning staff or up-to-date Official Plans. In this case, it may be that the Region historically provided detailed comments on all applications. Now that the municipalities have their own staff capabilities and are maturing, the same extent and depth of commenting by Regional staff should not be required on all development applications. A further clarification of the roles and responsibilities (and capabilities) of each party as recommended in Section 2.2 is also useful in determining where the Region needs to comment on development applications.

WE RECOMMEND THAT:

3. THE REGIONAL AND MUNICIPAL STAFF FORMULATE A SERIES OF GUIDELINES TO ESTABLISH WHEN DETAILED REGIONAL COMMENTS ON DEVELOPMENT APPLICATIONS ARE APPROPRIATE; AND
4. WHEN THE REGION IS CIRCULATED WITH AN APPLICATION, IF THERE IS NO OBJECTION OR CONCERN, A SIMPLE AND BRIEF FORM LETTER RESPONSE BE UTILIZED. ALTERNATIVELY, A TIME LIMIT FOR RECEIVING COMMENTS MIGHT BE STATED, AFTER WHICH TIME IT COULD BE ASSUMED THAT THERE IS NO CONCERN.

The second recurring issue that permeates the different development approval processes is that of co-ordination, or lack of co-ordination by the Region. This was raised in relation to both internal and external co-ordination. The Regional

Planning Department can provide internal co-ordination for the Regional Municipality of Niagara. When the Region is circulated a particular development application, there may be several other departments with an interest in the application, including Engineering, Health Services or other departments.

Comments from the different departments are now received by the area municipality at different times and are independent of the other Regional comments. The Regional Planning Department could play an internal co-ordinating role: comments could be gathered and co-ordinated by the Regional planning staff and forwarded to the area municipality as a comprehensive Regional comment. For example, in the Region of Waterloo, when comments are requested by the area municipality within thirty (30) days, the Planning Department attempts to get internal comments back within ten (10) to fifteen (15) days of receipt of the circulation. In some cases the different departments are circulated development applications directly from the area municipality to further speed up the process, but reply through Regional Planning staff.

WE RECOMMEND THAT:

5. THE REGIONAL PLANNING DEPARTMENT ASSUME THE ROLE OF DESIGNATED CONTACT FOR THE REGIONAL RESPONSES AND COMMENTS ON MUNICIPAL DEVELOPMENT APPLICATIONS, AND THAT A TIME LIMIT BE PLACED ON RECEIVING COMMENTS FROM OTHER INTERNAL DEPARTMENTS TO ENSURE SPEEDY RESPONSES TO THE MUNICIPALITY.

The third issue is another procedural concern relating in particular to Official Plan amendments, subdivision procedures and, to a lesser extent, zoning procedures. The current procedures have been described as confusing, lengthy and complicated. It has been suggested that the Regional Plan Amendment procedure should be clarified as to how local Official Plan Amendments are processed when a Regional Plan Amendment is also required.

In the case of subdivision procedures, several comments were made regarding how the procedures were dealt with at the Region. These included agency circulations for subdivision applications,

the length of time to receive comments, the amount of coordination between agencies and the Region, and the interpretation by the Region of agency comments. Some of these matters will be dealt with more specifically in Section 3.4.

The essence of the concerns regarding procedures indicate that, regardless of whether or not the Region perceives itself as having an appropriate set of development approval procedures, these procedures need to be more specifically and fully identified and clarified.

WE RECOMMEND THAT:

6. THE REGIONAL PLANNING STAFF UNDERTAKE A REVIEW OF PROCEDURES USED FOR ALL DEVELOPMENT APPLICATIONS, AND THAT A PROCEDURAL GUIDE FOR EACH TYPE BE DRAFTED IN CONJUNCTION WITH THE OTHER GROUPS INVOLVED. THIS GUIDE SHOULD ALSO INDICATE, TO THE DEGREE POSSIBLE, THE LIKELY REQUIREMENTS OF OTHER AGENCIES OR AREA MUNICIPALITIES.

3.2. Regional and Local Official Plans

As has already been indicated, the Regional Official Policy Plan has gone through a very lengthy approval process. Most of the Plan has now been approved. Certain sections of the Plan have been identified by Regional Planning staff, during their current Plan review, for improvement. Additional sections of the Plan have also been identified by others, during our interviews, for improvement.

In some cases it has been stated that the Regional staff are reluctant to provide interpretation of Regional policies and to clarify whether specific applications conform to the Plan policies. This general concern has been phrased in other ways including; the staff do not have a clear understanding of their own policies; the plan is too general and vague; and the planners do not stand behind their own policies. A review of the plan to ensure that policies are specific, process oriented, and evaluative should minimize this type of response.

Section 27(1) of the Planning Act states:

When the Minister has approved an official plan adopted by a county, or by a regional, metropolitan or district municipality,

(a) every official plan; and

(b) every zoning by-law passed under Section 34 of this Act, or predecessor thereof

that is then in effect in the area affected by the county, regional, metropolitan or district plan shall be amended to conform therewith.

This same legislation is essentially repeated in Section 100(6) of the Regional Municipality of Niagara Act. However a few local Official Plans still have sections that do not conform with the Regional Plan. This has been cited as an example of where the Region has not exercised its authority and enforced the Plan with a sufficient degree of assertiveness. At the political level, it has been suggested that this nonconformity of local plans illustrates a lack of political will to enforce the Regional Plan. The nonconformity of local plans has now extended for approximately fifteen (15) years. This issue should be addressed directly and firmly. In addition to the substantive review of the current policies themselves, an assessment of their political support also will be important to influence the thrust of the new policies for the Plan.

WE RECOMMEND THAT:

7. DURING THE CURRENT REVIEW OF THE PLAN, SPECIFIC EFFORTS BE UNDERTAKEN TO ENSURE THAT FURTHER SUBSTANTIVE, DIRECTIVE, AND EVALUATIVE POLICIES AND GUIDELINES ARE INCLUDED; AND
8. THE REVIEW AND POLICY FORMULATION PROCESS BE UNDERTAKEN DIRECTLY AND JOINTLY WITH ELECTED OFFICIALS TO ENSURE THEIR WHOLEHEARTED COMMITMENT TO, AND SUPPORT OF, THE REVISIONS TO THE PLAN.

3.3 Zoning

Since 1974, the Region has been responsible for the review of municipal zoning by-laws and amendments. The nature of responses received during the municipal interviews regarding zoning by-law amendment procedures relate primarily to Regional comments and the amount of co-ordination at the Regional level.

Typically, the Region receives all circulated zoning by-law amendment applications for comment prior to the holding of a public meeting. Once the municipality has considered the development and is at the stage of putting forward the application as a proposed by-law, several people noted that the Region will again comment in detail. The question was raised whether this secondary comment is necessary. Provided there have been no substantial changes in the proposed application from the earlier proposal, it may be possible that Regional comments at the by-law stage could include only an acknowledgment letter or that a lack of comment within a particular period of time would indicate the Region had no concerns relating to the proposed by-law.

WE RECOMMEND THAT:

9. A MUTUAL AGREEMENT BE FORMULATED REGARDING THE EXTENT AND FORM OF REGIONAL COMMENTS TO BE MADE AT THE TIME OF ZONING BY-LAW ADOPTION.

3.4. Subdivision and Condominium Plans

In September of 1977, Regional Council was delegated the authority for the approval of plans of subdivision; condominium plan approval remains with the Province at this time. All subdivisions in the Regional Municipality of Niagara must receive Draft Approval and Final Approval from Regional Council.

3.4.1 Subdivision Plans

Most people interviewed agreed with the delegation of the subdivision approval authority from the Provincial to the Regional level. However, in one case it was thought that Regional approval authority now exposes the Regional politicians to a greater degree of lobbying by the development industry. At the same time, the affected municipality in which the subdivision

actually occurs was felt to have little control in the effective decision making. This argument is not consistent in that the area Municipal Council is now directly represented on the authority (i.e. Regional Council) responsible for approving plans of subdivision. Previously the area municipality merely commented to the Province on the proposal.

In another instance, the opinion was expressed that it now is more difficult to obtain subdivision approval than when that authority was at the Provincial level. The reasons stated to substantiate this were the longer times required for the approval process and additional complications and steps within that process. While the times may be longer and the process more complicated, that may not necessarily result from the delegation of authority. That may also be a result of the larger numbers of agencies involved in the approval process in recent years, and more assertive expression of the interests of affected parties.

An area in which some time might be eliminated from the approval process is with respect to the actual approval within the Region. At present, the approval authority rests with Regional Council, and therefore all decisions regarding changes to subdivision conditions or other matters (other than extensions of draft approval) are required to be taken to Council. Under certain circumstances, if the authority for giving draft approval was with the Planning Director, many less complicated subdivisions and those with minimal changes and other minor matters might be approved at the staff level.

In the Regional Municipality of Waterloo, Regional Council has delegated its approval authority for plans of subdivision to the Regional Commissioner of Planning and Development unless: the conditions vary from the standard subdivision conditions; the conditions are at variance with those of the area municipality; the Region is being committed to costs not in the current capital budget; or the Commissioner wishes to have the application reviewed by Regional Council. Under this system, a plan of subdivision can receive draft approval either by Regional Council or by the Commissioner of Planning and Development. Similarly, if there are small changes in the draft plan or final plan, it is not necessary to go back to Council. There is, however, still the ability of the Commissioner to have Council consider any particular application if he or she is of the opinion that Council should be involved.

The total length of time required for development approval was one of the major issues raised in relation to subdivisions. The reasons cited for the perceived lengthy approval time include Regional duplication of comment requests from agencies, and a Regional tendency to be overly accommodating in waiting for comments from Provincial or other agencies. From the Regional perspective, there are frequently difficulties in getting municipal comments back quickly when formal municipal circulations are made on subdivision applications. The length of time in getting specific development agreement conditions from the municipalities was cited as a factor in increasing the time for approvals.

Information received from the Planning Department indicates that, of thirty-four (34) subdivisions submitted in 1987, twenty-eight (28) have received draft approval. The average approval time for those which have already received draft approval is about eight (8) months. Six (6) applications out of the thirty-four (34) have not yet received approval because of problems with design, flooding, and servicing. If these more complicated ones were included, the approval time would increase to above twelve (12) months.

For the Region of Waterloo, preliminary results from a recently installed development application tracking system indicate that for some fifteen (15) "simple" applications submitted in 1987, the average time to draft approval is about eight (8) months. Approximately sixty (60) applications were submitted in total in 1987. Although it is not possible to generalize with any significant degree of accuracy, a larger sample from Waterloo, including more complicated proposals, indicated the time from submission to draft approval to be approximately fourteen (14) months. In Hamilton-Wentworth the average time for a plan of subdivision from submission to draft approval stage is apparently about six (6) months. Within the City of Hamilton itself, where the Region does the processing both at the municipal and Regional level, the average time is about four (4) to five (5) months. The Ministry of Municipal Affairs staff indicated that their goal or target in urban areas is to have draft approval for subdivisions within six (6) months for 50 percent of all submissions. Based on these figures, the average Niagara approval time does not appear to be abnormally long.

Since the Region has approval authority for subdivisions, it must obtain formal comments from the various government agencies. In many cases the municipalities informally obtain comments from the various agencies at the preliminary review stage. Some streamlining in this duplication of agency comments might be possible if preliminary comments were copied to the Region or forwarded from the municipality, at the time of formal application, to the Region.

With respect to the comments from Provincial agencies, in at least two instances it was noted that the Region is very accepting and mechanical in the interpretation of agency concerns. Agency comments have apparently been accepted without question and inserted directly into development agreements as requirements. In the instances noted, a more questioning and active Regional role in co-ordinating and reconciling the agency concerns with the developer could resolve the concern prior to finalizing the subdivision development agreement.

In 1987 a subdivision processing fee was established by the Region of Niagara, pursuant to Section 68(1) of the Planning Act, 1983 to recover a portion of the subdivision application processing costs incurred by the Planning Department. This processing fee was brought up in the context that the municipalities are the ones who are in fact most involved in resolution of detailed subdivision design considerations and therefore the Region should not be as involved with such detail matters. Those who mentioned this felt such a fee should not be required by the Region.

Conclusion

The major concerns in the area of subdivision approval are those of duplication of services or activities; an unclear division of perceived responsibilities; and a need for improved communication and co-ordination in the subdivision approval process. Some improvements in the time required for subdivision approval could be achieved by possible further delegation of the approval authority for certain types of subdivisions; by further clarifying who should seek detailed comments from Provincial or other agencies; and by being not as lenient on the time allowed for obtaining comments.

If, as an integral part of the subdivision approval process, all applications are to be discussed by the developer with the municipality prior to submission to the Region, a number of details including land use, lot layouts, neighbourhood fabric and others should generally be resolved prior to submission to the Region. Many of the concerns of the different agencies may also be resolved at this stage if a workable procedure can be established. The subsequent formal Regional request for comments from Provincial agencies could then simply confirm that their concerns have been resolved. Where they have not been settled, the Region can play a mediating role between the agencies and/or the municipality and/or developer.

Within the Regional Municipality of Haldimand-Norfolk, a staff level Development Co-ordinating Committee consisting of Regional, municipal and agency staff meet together to discuss complicated subdivision issues on specific applications. This is co-ordinated by the Region and brings together all those concerned at an early stage in the approval process. Such a committee in the Niagara area would increase the understanding of other agency concerns, would promote the feeling of working together and would hopefully contribute to shortening the approval time.

WE RECOMMEND THAT:

10. FORMAL CONSIDERATION BE GIVEN TO FURTHER DELEGATION OF THE SUBDIVISION APPROVAL AUTHORITY TO THE REGIONAL PLANNING DIRECTOR;
11. THE PROCEDURAL GUIDE FOR SUBDIVISION DEVELOPMENT APPLICATIONS INDICATE WHICH MUNICIPAL REQUIREMENTS AND CONCERNS SHOULD BE ADDRESSED PRIOR TO FORMAL SUBMISSION OF THE APPLICATION;
12. FURTHER EFFORTS BE MADE TO DETERMINE WHERE AND HOW THE TIME REQUIRED FOR OBTAINING COMMENTS AND RESOLVING CONCERNS IN THE SUBDIVISION APPROVAL PROCESS CAN BE SHORTENED. THIS SHOULD INCLUDE CONSIDERATION OF A COMMITTEE TO FACILITATE AND CO-ORDINATE SUCH DISCUSSIONS.

3.4.2. Condominium Plans of Subdivision

At present, the approval authority for plans of condominium submitted under the Condominium Act remains with the Province. No particular concerns were expressed regarding this process.

3.5 Site Plan Approval

Site Plan Approval authority rests with the area municipalities, but the Region is considered a commenting agency. The normal circumstances, under which the Region comments, will be when the particular development abuts a Regional road, or where there are health, servicing or other Regional concerns.

The major interviewee remarks about the Site Plan approval procedure were that the Region frequently requests road widenings even though there are no specific road widening policies within the Regional Plan. There were a few references that Regional planners have, on occasion, made comments regarding side yard setbacks and other matters which are not Regional concerns.

WE RECOMMEND THAT:

13. APPROPRIATE ROAD WIDENING POLICIES BE INCLUDED IN THE REGIONAL PLAN;*
14. A SET OF EVALUATIVE CRITERIA BE ESTABLISHED FOR DETERMINING WHEN DETAILED REGIONAL COMMENTS ON SITE PLAN APPROVAL APPLICATIONS WILL BE APPROPRIATE.

* Although transportation planning is an integral part of the land use planning process, this has not been included within the Planning Study Terms of Reference, but is included as part of the Public Works Study.

3.6 Consents

Under certain circumstances, individuals or firms may want to divide or sever a parcel of land into two (2) separate parts. This frequently occurs in rural areas where a separate lot may be created for a retiring farmer or in an urban area where a larger lot is divided into smaller two lots. The process of applying to sever a lot and the granting of a consent, is similar to the subdivision process. If it is felt a plan of subdivision is not required, the severance may be dealt with through a Land Division Committee.

In February 1974, the Regional Council was given the authority to appoint a Land Division Committee for the purpose of granting of consents. The Committee consists of twelve (12) members from the twelve (12) area municipalities. They are appointed by Regional Council on the recommendation of the area municipalities. Council has delegated the authority for granting of consents to the Land Division Committee. That delegation was subject to the condition that "the Land Division Committee be requested to circulate to the Regional Planning Department and the Regional Public Works Department copies of all applications for consent prior to hearing". The intent of that condition is to allow the Regional Planning Department to monitor development activity through the granting of severances.

In 1987, the Regional Land Division Committee dealt with over 800 applications and in 1988 this number will probably reach 900. A rough estimate by the Secretary-Treasurer of the Land Division Committee indicates that approximately 40 percent of these were within the developed portions of the urban areas. About 60 percent occur in the rural area designations and agricultural areas within an urban designations. He notes that severances within the agricultural areas are generally the most controversial, as they may have potential impacts on the supply and use of agricultural lands. The major issue to be resolved would appear to be an agreed upon definition of the term "monitor", and the definition of local and regional significance.

As has already been indicated, the municipal responses received during interviews almost unanimously made reference to the Regional Planning Department comments on severance applications. It was felt that most severances are of local significance only and therefore should not require the Regional comment. There

are, however, instances where severances are of regional significance, such as on or along Regional roads, or where they have the potential to affect Regional policies in the rural areas.

One illustration used was whether the granting of a severance to allow a church in a rural area was a matter of local or regional significance in terms of uses to be permitted in rural areas.

Although the term regional significance is one frequently used, the concise determination of what constitutes regional significance is not as readily defined or agreed upon.

Other instances were cited where the Region should be more aggressive in stating and enforcing its policies on severances. An example of this was a severance and the precedent that could be set for construction of other radio towers in an agricultural area. Each such tower could consume a large area of good agricultural land. The granting of this severance was felt to be of sufficient significance that the Regional planning staff should have taken a stronger position.

During the course of the interviews, a few people commented regarding the Land Division Committee being at the Regional level compared to the municipal level. In most cases it was felt the Region was the appropriate level at which to have the Land Division Committee. The reasons included the fact that there was less likelihood of lobbying members of the Committee and that the volume of work associated with the Land Division Committee would be too great for the existing staff capability, especially for the smaller rural municipalities.

The Secretary-Treasurer and various municipal staff referred to the types of severance conditions that are requested by municipalities. There have been requests for inclusion of conditions such as the payment of drainage assessment costs, maintenance easements along drains, and street lighting in rural areas. The interpretation of the enabling legislation and what matters can be required as a condition of development, form the basis for these concerns. Section 52(2) of the Planning Act, 1983 indicates that, in dealing with applications for consent, consideration shall be given to the same matters as are considered in a subdivision plan. Section 50(4) states:

In considering a draft plan of subdivision, regard shall be had, among other matters, to the health, safety, convenience and welfare of the present and future inhabitants of the local municipality and to the following,

- (a) the effect of development of the proposed subdivision on matters of Provincial interest as referred to in Section 2;
- (b) whether the proposed subdivision is premature or in the public interest;
- (c) whether the plan generally conforms to the official plan and adjacent plans of subdivision, if any;
- (d) the suitability of the land for the purposes for which it is to be subdivided;
- (e) the number, width, location and proposed grades and elevations of highways, and the adequacy thereof, and the highways linking the highways in the proposed subdivision with the established highway system in the vicinity and the adequacy thereof;
- (f) the dimensions and shape of the lots;
- (g) the restrictions or proposed restrictions, if any, on the land, buildings and structures proposed to be erected thereon and the restrictions, if any, on adjoining lands;
- (h) conservation of natural resources and flood control;
- (i) the adequacy of utilities and municipal services;
- (j) the adequacy of school sites;
- (k) the area of land, if any, within the subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes; and
- (l) the physical layout of the plan having regard to energy conservation.

Although not stated by any municipal respondents, the Secretary-Treasurer indicated that there had been some concern as to consistency by Committee members in how fully they explain the reasons for different decisions. He noted that, in some cases, the reasons stated are very short and brief, while in others the Committee members ruling on a hearing give very full explanations. The Committee is currently in the process of dealing with this matter, and trying to formalize a standard for explaining its decisions.

WE RECOMMEND THAT:

15. GUIDELINES BE ESTABLISHED TO DETERMINE WHEN THE REGIONAL PLANNING DEPARTMENT SHOULD MAKE COMMENTS ON CONSENT APPLICATIONS; AND
16. DISCUSSIONS BE HELD BETWEEN THE REGION AND MUNICIPALITIES WITH RESPECT TO THE TYPES OF CONDITIONS WHICH CAN BE INCLUDED AS A PREREQUISITE TO THE GRANTING OF CONSENT APPLICATIONS.

3.7 Minor Variances

Section 43 of the Planning Act, 1983 allows for the establishment of a Committee of Adjustment which may authorize minor variations from the provisions of the local zoning by-law. A minor variance from the by-law may be permitted if the Committee is of the opinion that the "general intent and purpose of that by-law and of the Official Plan, if any, are maintained".

The granting of minor variances in the Niagara Region is the responsibility of the Committee of Adjustment at the municipal level. No particular concerns were raised in relation to this process, other than the earlier concerns regarding regional comments on matters of local concern.

4. EXTERNAL AGENCIES IN THE PLANNING PROCESS

In addition to the regional and municipal governments having jurisdiction in the Niagara area, there are a number of other agencies involved in the planning process. Typically these include Provincial government ministries which have jurisdiction to ensure Provincial interests or specific resources are protected. Among these are the Ministry of the Environment, Ministry of Natural Resources, Ministry of Agriculture and Food, Ministry of Transportation and the Ministry of Municipal Affairs. The Niagara Peninsula Conservation Authority is concerned with the preservation and protection of drainage areas and watersheds. Because of the unique physical land features within the Regional Municipality of Niagara, there are even more agencies with specific mandates and jurisdiction. In particular, the Niagara Escarpment Commission has authority over lands along the Niagara Escarpment, and the Niagara Parks Commission has certain responsibilities and jurisdiction over land development along the Niagara River.

Depending on the location, type and extent of development being proposed, this multitude of agencies can present a somewhat bewildering array of bodies which must be contacted and dealt with in the process of developing a piece of land. This is most confusing for someone not familiar with the development process, and not involved in such matters on a regular basis. However, even for those involved in the development business, these extra agencies and bodies can sometimes result in uncertainty as to whom should be contacted and who has what authority.

4.1 Niagara Escarpment Commission

In 1973, the Government of Ontario made a commitment to protect the Niagara Escarpment, recognizing its importance as a unique and continuous landscape. That legislation provided for the preparation of the Niagara Escarpment Plan (approved in 1985) which would take precedence over any local or regional official plans. The Niagara Escarpment Commission has authority over Niagara Escarpment lands found within the Towns of Grimsby, Lincoln, Niagara-on-the-Lake and Pelham, as well as the cities of Thorold, Niagara Falls and St. Catharines.

The administration of development control within the lands covered by the Escarpment Plan is regulated by Sections 22 to 26 of the Niagara Escarpment Planning and Development Act and Ontario Regulation 625. Presently, any development within the designated Niagara Escarpment lands is controlled through the development permit system and procedures of the Niagara Escarpment Commission and is not generally subject to Official Plan and zoning by-law regulations. However, "The Niagara Escarpment Plan: Implementation Proposals" published by the Province recommends that the responsibility for the administration of development applications in the area of the Niagara Escarpment Plan be delegated progressively to the local municipal level. Initially, the administration of the development permit system would be delegated to upper tier municipalities and a site plan control system would be established to enable local municipalities to assume responsibility for development applications. Further details for the proposed delegation of this authority are provided in Appendix 3.

There have been discussions regarding the possible delegation of some authority to the Regional level, but they have not proceeded very far at this time. Among other matters is the question of financing for the increased workload that would result at the Regional or local level.

From the Commission's perspective, the major difficulty in delegating the authority for development along the Niagara Escarpment land is that with forty-seven (47) municipalities, or seven (7) regional municipalities and counties along the full length of the Escarpment, a consistent interpretation of the policies would be much more difficult to maintain. The sheer length and prominence of the escarpment make it a resource of "Provincial significance." As such, the Province will want to ensure that larger interest is protected. Whether delegation would enable the defined Provincial interests and policies to be implemented (as envisioned by the Province) at the local level remains a question, at least in the eyes of the Commission.

During our municipal interviews, there did not appear to be any specific drive to have the development control system delegated to the local level, although this was mentioned in a few instances. The various municipal planning directors did indicate that, on occasion, there had been differences of opinion on

specific development proposals within Niagara Escarpment lands. Depending on the situation, the Niagara Escarpment Plan was felt to be either too restrictive or not restrictive enough. In a somewhat similar manner, it was suggested that the Escarpment Commission staff is less inclined toward the favourable consideration of amendments to the Escarpment Plan than are members of the Commission themselves. This was again cited in both a positive and a negative context.

Conclusion

If the Province is to continue its process of decentralization, and if the objective of reducing overall bureaucratic structure and organization is to be sought, the principle of delegating approval authority to the local level should be a desirable one. Whether it should be done at this time or at a later date may not yet be decided. If it is to be later, such as after the Niagara Region has completed the process of bringing the Regional Plan into full conformity with the Niagara Escarpment Plan and the local Official Plans into conformity with the Regional Plan, a process for making that change should still be established. Once full conformity has been achieved, the objectives, policies and development criteria may provide sufficient direction and leadership to the Regional and local government to allow the Niagara Escarpment Commission to monitor that implementation much like the Region is to monitor certain local government functions.

WE RECOMMEND THAT:

17. FURTHER CONSIDERATION AND DISCUSSION BE UNDERTAKEN REGARDING THE PRINCIPLE OF DELEGATING THE IMPLEMENTATION OF THE NIAGARA ESCARPMENT PLAN TO THE REGION AND LOCAL GOVERNMENTS.

4.2 Niagara Parks Commission

The Niagara Parks Commission is responsible for the maintenance of some 1,130 hectares (2,800 acres) of parkland along a 56 kilometre (35 mile) stretch of the Niagara Parkway. This includes lands within the municipalities of Niagara Falls, Fort Erie and Niagara-on-the-Lake. Under Section 10(2) of the Niagara Parks Act, the Parks Commission is given the same powers that the Minister of Transportation has with respect to controlled access highways. Section 14(b) of Ontario Regulation 68/86 states that "all highways, roads, boulevards and parkways

of the Commission are designated as controlled access highways". Through this designation, the Parks Commission is able to prohibit, unless a permit is given, certain types of buildings, trees, shrubs, signs, sales outlets, access roadways or large areas for public gatherings within specified distances from the controlled access highways.

This control over land use, development and transportation within and adjacent to the Niagara Parkway has led to confusion and concern regarding land use regulation within and adjacent to the Parkway area. In 1987, the Niagara Parks Commission circulated a document entitled "First Discussion Draft: the Niagara Parkway, a Controlled Access Highway", which indicated certain land use controls the Commission would like to see, not only on their lands along the Parkway, but also on adjoining lands.

Because of the concerns raised and the implications for development proposals, especially in the Niagara Falls area, the Minister of Municipal Affairs was asked to resolve the issue of land use controls along the Niagara Parkway. At the time of this report, the municipalities of Niagara Falls, Fort Erie and Niagara-on-the-Lake, as well as the Region, and representatives from the Ministry of Municipal Affairs, Ministry of Transportation and Ministry of Tourism and Recreation have met to establish a procedure or agreement as to how these land use issues might be resolved. A "Memorandum of Understanding" has been prepared and is currently being circulated to the various parties for their consideration and endorsement. Through this document, it is anticipated that the parties will be able to formulate a process for the resolution of those issues.

In 1987, the Commission also undertook the preparation of a long range plan for the future of its own lands. Such a plan will have some influence on surrounding lands as well. That plan is scheduled for completion before the end of 1988.

Conclusion

Unlike the Niagara Escarpment Commission, the Niagara Parks Commission deals with another unique area, but one contained totally within the Region. Although the Regional Municipality of Niagara did not exist when the Parks Commission was created, there does now exist a regional government body which encompasses the total land area over which the Commission has jurisdiction.

That same regional government has a regional road system and planning structure in place which could direct and regulate development in accordance with an established long term plan such as the Parks Commission Plan now being prepared.

It would not seem especially difficult to incorporate certain administrative and operational aspects of the Commission into a Parks and/or similar Department within the Regional organization. In terms of the Commission itself, one option might be for it to remain responsible for the operation of its various facilities and attractions, but to delegate certain aspects of the implementation of the plan to the Region and/or local municipalities. A somewhat similar example for comparison might be the Public Utilities Commission for the City of London which is responsible for all the Parks and Recreation programs and facilities (as well as public utilities) for the City. In that case however, the Commission is funded through the City and has certain civic representatives on the Commission, but otherwise, it operates quite independent from the City. Should such a Regional Parks operation be created, it might also be the appropriate eventual "home" for the delegation of the Niagara Escarpment Authority.

WE RECOMMEND THAT:

18. THE CURRENT DISCUSSIONS ABOUT PLANNING RESPONSIBILITIES AND AUTHORITY FOR LAND USE ON AND ADJACENT TO NIAGARA PARKS COMMISSION LANDS PROVIDE FOR THE INCORPORATION OR AMALGAMATION OF CERTAIN PLANNING AND DEVELOPMENT APPROVAL FUNCTIONS AT THE REGIONAL AND/OR MUNICIPAL LEVEL.

4.3 Niagara Peninsula Conservation Authority

Section 21 of the Parks And Conservation Authorities Act gives the Conservation Authority the power to "study and investigate the watershed, and to determine a program whereby the natural resources of the watershed may be conserved, restored, developed and managed". Section 28 gives the Authority jurisdiction to make regulations and/or restrict development along waterways within the area under its jurisdiction. In addition, on June 1, 1988, the Minister of Natural Resources delegated the

responsibility for certain shoreline management programs including hazard land mapping, local shoreline planning, and other management functions including Official Plan input and review, to the Conservation Authority.

The operating relationships between the Conservation Authority and the municipalities and Region seem to be working well, based on our observations. On a more specific basis, it was felt that the Authority should take a stronger, more active role in dealing with storm water management issues and in the planning process in general. This has been recognized and the Authority is currently in the midst of a major community relations program to improve its working relationships with other bodies.

4.4 Provincial Ministries

Some of the Provincial ministries most directly involved in the planning process include the Ministry of Municipal Affairs, the Ministry of Agriculture and Food, the Ministry of the Environment, the Ministry of Transportation and the Ministry of Natural Resources.

Both from the public and private sector, the unsolicited responses regarding the Ministry of Municipal Affairs were almost unanimously very positive, with people feeling the representatives for the Niagara area were very helpful in any way whenever asked. On several occasions it was noted that the current level of service and response from the Ministry of Agriculture and Food has been slower than desired because of a shortage of staffing in the Ancaster area office. No significant comments were made regarding any other ministries.

5. RELATIONSHIPS BETWEEN GROUPS

This section of the Study takes its basis from the comments, concerns and issues raised with respect to the specific approval processes and agencies discussed in the earlier sections. We will examine what appear to be the overall relationships between the different groups. The intent is to provide a general assessment of relationships and to determine if there are areas where these might be improved.

5.1 Regional/Municipal Relationships

Based on our observation, it appears that the opportunities for improvement in the relationships between these bodies lie in four (4) specific areas: communication, co-ordination, clarification and comments. As has already been indicated, there is a strongly perceived lack of communication in several ways between the Region and municipal staffs. Although they may communicate as much as is necessary to discuss and resolve specific development or other matters, there appears to have been little general communication between departments and individuals. This more general and personal type of communication is very useful in building a closer working relationship. It would allow each of the parties to air their concerns, discuss their feelings on general topics and include a more personal touch to the communication process. As it is now, the current operating relationships appear to have very much of a "we" and "they" basis.

By comparison, in the Regional Municipality of Waterloo, there is an "Area Planners' Meeting" each month, at which general topics of interest and concern are discussed. During such meetings the planners discuss new Provincial policies, broad planning issues, annual work programs and current or upcoming studies or research projects. Discussions of the latter topics frequently lead to co-ordination in particular areas, especially for the municipalities. At the same time, this provides the opportunity for the municipalities to request specific assistance and, where appropriate or practical, the Region may include provisions for this in upcoming work programs.

A similar type of meeting of planners has taken place in the past within the Region of Niagara. This is no longer the case, although a couple of such meetings have taken place this year. If

this can continue with regular meetings, they might be rotated around the Region in the different municipal offices. This would provide the opportunity for Regional planners to become more personally familiar with the area municipal offices, operations and staff and provide a greater visible presence for Regional planners. The rotation of the meetings could be organized so that the host municipality sets the agenda and chairs the meeting, thereby allowing each individual an opportunity to include areas within his or her own particular interest.

As a result of this improved communication, more areas would become evident where the Regional staff might provide specific advisory and research assistance to the municipalities and their staff. In the process of the Region undertaking this research for the municipality, the Regional staff could make presentations to area municipal Councils on studies requested by, or of interest to, the Council. Such a presentation would be a visible indication of the Regional staff assisting the municipalities and at the same time would provide for a greater understanding and appreciation of each other's perspectives and concerns. This kind of interaction and communication has been cited as one of the greatest benefits of the Haldimand-Norfolk Regional Planning operation. There, the Regional staff interact with municipal administrators and elected officials on an almost daily basis because of their one tier planning operation at the staff level.

Having made the point that there is room for improvement in the Niagara area, it should also be noted there are some good examples of what has already been done. The recently completed Welland Canal Corridor Development Guide project included a team consisting of both Regional and local staff. It provided a good illustration of how both levels can work together, with the Region co-ordinating work on an issue or topic of regional significance. On a more localized basis, the Region has done considerable work for the Town of Pelham on the Fonthill Kame. At the request of Port Colborne, the Region has also provided assistance by loaning a Regional staff person to the municipality during a temporary staff shortage.

If the Region is expected to provide more and better assistance to the municipalities, then the local municipalities also have a responsibility to identify where that assistance could be best utilized. Otherwise, the Region may be perceived as involving itself, uninvited, in local concerns.

WE RECOMMEND THAT:

19. A SYSTEM OF REGULAR MEETINGS BE ESTABLISHED BETWEEN MUNICIPAL AND REGIONAL PLANNERS WITH THE LOCATIONS AND RESPONSIBILITY FOR THE MEETINGS ROTATING THROUGHOUT THE REGION.
20. AT THE REQUEST OF THE MUNICIPALITIES, THE REGIONAL STAFF ENDEAVOUR TO PROVIDE ADDITIONAL SPECIFIC RESEARCH ASSISTANCE, INCLUDING PRESENTATIONS TO AREA COUNCILS.

The second area of concern in the relationship between the regional and municipal levels is that of co-ordination. This can be with respect to the Region taking a more active facilitator role in dealing with issues between municipalities and other agencies, as well as between the different departments within the Region. Recommendations have already been made regarding Regional comments on development applications at the municipal level. It is our observation that, should these concerns be amicably resolved, the overall relationship between the Region and the municipalities would be very considerably improved.

5.2 Regional/Provincial Relationships

While the relationships between the Region and the various Provincial agencies have generally been indicated as being quite good, there is an opportunity for the Region to be more actively involved in the process of obtaining and assessing Provincial comments on development applications. The Region can facilitate the resolution of issues or areas of concern and clarify whether the comments should in fact be included as specific conditions for approval of development. It has also been suggested (not by the development industry) that the Region should, in some cases, be more aggressive in protecting and having a regard for the interests of those proposing a development. This should extend to not necessarily accepting "carte blanche" the concerns or requirements made by all Provincial agencies.

Although there is an opportunity and perhaps a need for the Region to speak more loudly on behalf of area municipalities and the development industry in some instances, it must be remembered that the Region does not have the same degree of power as the Provincial government. Where the Region cannot resolve differences between the different authorities or between ministries, the issues may be resolved at the Provincial level with mediation or arbitration by the Ministry of Municipal Affairs or another appropriate group.

5.3 Regional/Public Relationships

In accordance with the Terms of Reference for this Study, our contact with the general public has been limited. However, indications from the responses we received would seem to suggest there may be areas for improvement. The periodic publication of the "Planning Reports..." newsletter is a good example of one type of communication with the public, providing it has a sufficiently wide circulation. If it is not already available in area municipal offices, a number of them could be put in those offices in visible and accessible locations for the public.*

The current review of the Official Plan is an excellent time to ensure that the general public has a good opportunity for providing input into the Official Plan and for making their views known. While this is always possible during the course of committee meetings, it is by no means a significant forum for providing generalized public communications. As part of the Plan review, the Regional Ecological and Environmental Advisory Committee sponsored a workshop on environmental security in the summer of 1988. Regional staff are, as a part of the 1988 and 1989 work programs, preparing a number of discussion papers for Official Plan policies. Specific efforts should be made to reach the public in the course of preparing and reviewing these documents, including open houses, workshops and other forums, to specifically communicate with the public.

*During the course of our interview travels, we did obtain from a municipal office reception area a brochure entitled "The Regional Municipality of Niagara: Facts, Figures and Functions." It was, however, prepared in 1982.

Although not related specifically to the land use planning process, a survey done in July as part of the Niagara Region Review Study (see Accountability and Representation Study, pages 70-71) indicates that twenty-one (21) of twenty-six (26) or 80 percent of the Regional councillors do not feel the Region does a good job of communicating with the public. The same survey (page 67) showed that 40 percent of the Regional Councillors surveyed did not feel the Region was "doing a good job" in the land use planning area (page 67). Planning is one of the functions within the Regional government which has the most direct contact with members of the public. Two-way communication is an ongoing and integral part of the planning activity. If many of the public perceptions or "non-perceptions," of Regional Government are to be improved and clarified, specific community relations programs must be undertaken.

WE RECOMMEND THAT:

21. THE REGIONAL PLANNING DEPARTMENT, EITHER INDEPENDENTLY OR AS PART OF A LARGER REGIONAL EFFORT, EXAMINE ADDITIONAL STRATEGIES FOR IMPROVING THE GENERAL PUBLIC'S UNDERSTANDING OF THE REGIONAL PLANNING ROLE IN THE LAND USE PLANNING PROCESS.

6. PLANNING STRUCTURE AND ORGANIZATION

6.1 The Two Tier Planning System

The current two tier system of planning is based on the idea that at the sub-Provincial level there are two (2) different types of issues and concerns. Some issues are contained within the boundaries of a local municipality. Other issues and concerns extend beyond and between the boundaries of adjoining municipalities. Prior to the formation of regional municipalities, this was recognized and dealt with through mechanisms such as joint planning boards. The formation of regional government was intended to establish a formal structure and mechanism for dealing with broad inter-municipal issues. The governing body consists of elected officials from the area municipalities and they are supplemented by staff to undertake the administrative and other operations required. Metropolitan Toronto was the first of the formal regional government systems created to deal with inter-municipal issues and concerns in Ontario.

While the Planning Act, 1983 makes provision for regional as compared to local municipal planning, there is no distinction as to what should be included in regional plans versus local plans or the limitations of what issues a regional plan can deal with. Recommendations have already been made regarding the addressing of those concerns.

6.2 Variations On The Two Tier System

Within the overall structure of a two tier regional government system, the handling of the planning function has been dealt with in different ways, not only within Ontario, but in other areas of Canada. This section will look briefly at how the planning function is handled in some of these different organizations.

6.2.1 Regional Municipality of Hamilton-Wentworth

The Regional Municipality of Hamilton-Wentworth was established as a normal two tier government system. However, with respect to the planning function, the Planning Department contains both a Regional Planning section and a Local Planning section. Most local municipalities have their own planning departments with the major exception the City of Hamilton. Regional Planning staff do

all the planning work for the City of Hamilton. In addition, the Regional department provides some consulting services for Dundas and Ancaster.

Municipal planning reports are prepared for the City of Hamilton by the Local Planning Division and presented to Hamilton Council for making decisions. When the report is presented to the Regional Planning Committee, it will have had input from the Regional Planning Division and will include the decisions made by Hamilton City Council. In speaking with the Regional Planner, it was noted that in the last six (6) years there has been no significant example of a problem because of the way this planning system has operated. There have, however, been some economies of scale achieved by eliminating administrative work.

6.2.2. Regional Municipality of Haldimand-Norfolk

The Haldimand-Norfolk planning framework is a further extension of the Hamilton-Wentworth system. For all intents and purposes it functions as a one tier planning system at the staff level. Regional planners undertake all the planning work for the municipalities, as well as for the Region. Specific development planners are assigned to each municipality and work out of the municipal offices several days each week preparing reports, undertaking research and processing development applications. According to the Regional Planning Director, one of the greatest benefits of this system is the high degree of regional understanding of local concerns and issues and the subsequent ability of the two levels of planning and the administration to work together on planning issues.

At the decision making or political level, it is still a two tier planning system. When there is a difference of opinion or an issue that cannot be resolved, the municipality hires an outside consultant to defend its position, thereby allowing the Regional staff to state the Regional opinions and concerns.

6.2.3. Regional Municipality of Sudbury

The Sudbury Region is the only true one tier regional planning system in Ontario, with Regional planners doing all research and other planning work. Regional Council is ultimately responsible for making all planning and development decisions. Regional development control planning staff are not located in the

municipal offices and are no longer assigned to a specific municipality. They do attend municipal Council meetings on request. The development applications are circulated to the municipalities for their comments as with other agencies. Municipal comments are returned to the Region either as a staff comment or usually as a Council resolution. According to the Director of Planning, the end result effect on land use planning may not be significantly different from that attained with a normal two tier planning system. However, some of the administrative and other benefits include:

- less duplication of services, including the monitoring of local plans. Local plans for settlement areas are adopted as secondary plans to the Regional Plan;
- a more uniform set of regulatory rules, procedures and by-law requirements; and
- hopefully the same level of services provided to everyone.

As to whether such a system could be superimposed on an existing regional municipality like Niagara, it would be more difficult to change after fifteen (15) years of municipal "independence" within the Regional system. Emotional feelings, attachments and habits would be much more difficult to change.

6.2.4 Oxford County

At the time regional municipalities were being created, the County of Oxford was restructured (1974) as a somewhat unique and different situation. The County Planning Department provides advisory planning services to all municipalities and has the authority for dealing with consents and minor variances through the Land Division Committee. There are no planning advisory committees within the County municipalities with the exception of Tillsonburg. Planners are assigned to the municipalities, and although they are not physically located there, they do regularly attend Council meetings. Detailed local area plans are adopted as secondary plan amendments to the County Official Plan. With respect to local by-laws, the County staff prepare and present reports to the Municipal Council. Where

required, these reports, along with the municipal recommendations or decisions are later presented to the County Council. While the system seems to work well, there are several appeals annually by the County against by-laws proposed by the municipalities.

According to the Planning Commissioner, the sensitive aspect of this dual operation is the ability to balance the interest of the local and county organizations. Although not a common problem in the Oxford County area, it was noted that one of the potential difficulties with the County staff operating as municipal planners is where municipal boundaries adjoin each other. Where inter-municipal conflicts arise on matters in these areas, the County would not be able to act as the planner for two (2) different municipalities, but rather would have to act with a larger "County" perspective. Alternatively, one party might hire an outside consultant.

6.2.5 Alberta and British Columbia

Alberta has established a two tier planning system through its Regional Planning Commissions. They are, however, often somewhat larger in area than regional municipalities and are organized more specifically around the planning function than as part of a larger regional municipal structure.

British Columbia created some twenty-eight (28) Regional Districts in 1965 to provide, among other things, some degree of regional planning (and in many cases local planning for unincorporated areas). However, in 1983, the Province withdrew the legislation which provided for the funding of regional planning (as compared to local planning) and also ceased to recognize Official Regional Plans. This revoking of the legislation occurred primarily because of friction created between area municipalities and the Regional Districts, especially in the metropolitan areas of Vancouver and Victoria. Since 1984 there has been some recognition of the void that was created when regional planning was abandoned, and there are now movements back toward the provision of regional (or inter-municipal) planning services, at least on an advisory basis.

6.3 Regional Municipality of Niagara

Before making some final concluding observations regarding the planning structure and organization of the Regional Municipality of Niagara, a brief look at the cost effectiveness and the efficiency within the Region might be useful.

6.3.1 Financial Observations

As part of the overall Niagara Region Review, the "Data Set for Niagara Region and Area Municipalities" Study examined and compared a variety of revenues and expenditures for the Regional Municipality of Niagara and other regions in the Province. The financial figures discussed in this section come from that Study. The tables are based on data available from the Municipal Affairs Retrieval System (MARS). MARS is a data base maintained by the Ministry of Municipal Affairs, based on the Annual Financial Information Reports (FIRs) submitted by Ontario municipalities and regional governments.

Since 1977, on an annual basis, the Planning and Development expenditures have represented either 1.0 or 1.1 percent of the total financial expenditures for the Niagara Region. Planning and Development within this context includes the provision of Economic Development services as well. By comparison, the expenditures for other Niagara Region functions in 1986 were: General Government 6.8 percent; Protection 24.2 percent; Transportation 10.6 percent; Environmental 25.5 percent; Social and Family Services 32.0 percent; Recreation and Cultural Services 0.1 percent; Planning and Development 1.1 percent.

The expenditures per household for Regional Planning in Niagara have ranged from \$5.00 per household in 1977 to \$12.00 (current dollars) in 1986. Local area municipalities spent an average of 3.9 to 4.7 percent of their expenditures on planning and development during the same period, with the current dollar expenditure per household ranging from \$30.00 in 1977 to \$67.00 in 1986.

As can be seen from these figures, planning function costs compared to other functions at the local area, and especially at the regional municipality, are really quite small.

6.3.2 Comparisons with Other Regional Municipalities

At the Regional level, comparisons were made with expenditures from other regional municipalities as indicated below.

Comparison of Expenditures For Planning And Development Function, 1986

	Niagara	Ham-Went	Ott-Carl	Sudbury	Toronto	Waterloo
Expenditure per Household	\$12	\$31	\$34	\$40	\$13	\$7
% of Total Regional Expenditure	1.1%	1.9%	1.9%	2.5%	0.6%	0.8%

The table indicates that, of the five (5) other municipalities examined, only the Region of Waterloo spends fewer dollars per household on the provision of planning services. Only two (2) spend less money on a percentage basis for providing planning services, whereas the other three (3) (Hamilton-Wentworth, Ottawa-Carleton, and Sudbury) spend anywhere from about 75 percent to 150 percent more on providing planning services than does the Regional Municipality of Niagara. Whether they are in fact providing more services in total, or less efficient delivery of the same number of services is beyond the scope of this discussion. However the figures do indicate that on a strict percentage basis, the Regional Municipality of Niagara spends less money on planning services than do three (3) of the five (5) other regional municipalities compared here.

6.3.3 Regional Niagara Structure

The planning structure for the Regional Municipality of Niagara is the standard two tier structure, with local and regional planning staff organizations and decision-making bodies at each level. A detailed study of whether a major overhaul of the planning structure within, or as a part of a larger reorganization of, the Regional Municipality would work or is appropriate, would require more examination than has been

included here. Our conclusions, based on the observations from this Study, would seem to indicate there would be a considerable reluctance to give up any degree of municipal independence or autonomy in the planning area at this time. Each municipality has its own staff and Official Plan and is currently performing the planning function, to a greater or lesser degree, depending on the size and capability of the municipality.

There may, however, be some lessons to be learned or some points to consider from the examples used in the other planning organizations reviewed here. Probably the most significant item which comes out of the overall examination is that, because of a closer functional relationship, an increased level of understanding and concern for the other level of administration will likely come about. That result, in itself, has been cited as a very beneficial aspect of the working relationship between the respective regions and local area municipalities. This was particularly the case in Haldimand-Norfolk where the amount of liaison with the municipal administration was considered to be very important. The operation of the Development Co-ordinating Committee was felt to be a very significant key to the smooth relationships between the municipalities and the Region, the different agencies and the development industry, as well.

In conclusion, one of the main benefits derived from the closer organizational relationship of some of the other regional municipalities, aside from some economies of scale, has been the improved communication and understanding of each others concerns and issues in the planning area. If, in the case of the Region of Niagara, this improved communication and understanding can lead to a closer and more harmonious relationship, a very considerable improvement will have been achieved without making structural changes.

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APPENDICES

- Appendix I - Study Terms of Reference
- Appendix II - List of Individuals Interviewed
- Appendix III - Niagara Escarpment Plan: Proposed
Delegation of Authority

PLANNINGTERMS OF REFERENCE

1. SCOPE AND CONTENT OF PROJECT

There is concern about the land-use planning process in the Region, involving the statutory responsibilities and operating relationships of the Regional Municipality and the area municipalities. The Niagara Escarpment Commission has a role in regulating land use as well. Also, the Niagara Parks Commission has a major presence in the area through its extensive network of parks. The purpose of this study is to:

- i. Examine the process of land-use planning in the Regional Municipality of Niagara to assess its efficiency and effectiveness as experienced by the various public and private sector players, and to identify areas of overlap or conflict between the Region, area municipalities, and provincial agencies and ministries, including the Niagara Escarpment Commission. This examination should focus on the process of planning, and the consequent administration of official plans, zoning by-laws, subdivision approvals, land severances, minor variances, and related regulatory procedures, as distinct from the substance of planning decisions.
- ii. Interview people in charge of planning for the Regional Municipality and the area municipalities. Interview relevant officials in such related agencies as the Niagara Escarpment Commission, the Niagara Parks Commission, the Land Division Committee, and the committees of adjustment. Interview planning consultants, representatives of the development industries, and interested citizens.
- iii. Review selected other jurisdictions to determine how they have dealt with planning procedures and conflicts similar to those found in Niagara.

- iv. Examine the relationship between the regional government, area municipalities, the Niagara Escarpment Commission, the Niagara Parks Commission, and related organizations to determine areas of conflict and confluence in the land-use planning process. This examination should focus upon concerns stemming from the process of planning as distinct from the substance of the plans.
- v. Identify areas where overlap or tension among the parties is inevitable and/or potentially constructive.
- vi. Develop proposals for an improved planning structure in the Region. These proposals should address the allocation of responsibilities and the relationship between the Regional Municipality, the area municipalities, the Niagara Escarpment Commission, the Niagara Parks Commission, and related organizations.

2. CONTRACTOR

This study should be carried out by a professional planner with demonstrated expertise in the organization of the planning function at the municipal level. The contractor should also have experience in the organization and conduct of the land-use planning function in major urban communities.

APPENDIX II

INDIVIDUALS INTERVIEWED

<u>PERSON</u>	<u>POSITION</u>	<u>MUNICIPALITY/AGENCY</u>
Mr. J. Fior	Planner	Township of West Lincoln
Mr. K. Vogl	Planning Administrator	Town of Grimsby
Mr. T. Secord	Planner	Town of Lincoln
Ms. J. Coward	Director of Planning	Town of Niagara-on-the-Lake
Mr. V. Kerschl	Director of Planning	City of Welland
Mr. D. Darbyson	Director of Planning and Development	City of Niagara Falls
Mr. G. Atack	Planner/Deputy Clerk	City of Thorold
Mr. J. Bernardi	Deputy Clerk/Planning Administrator	Town of Pelham
Mr. E. Hodgins	Planner	Township of Wainfleet
Mr. C. Miller	Director of Planning	City of Port Colborne
Mr. R. Rienas	Director of Planning	Town of Fort Erie
Mr. J. Coughlin	Director of Planning	City of St. Catharines
Mr. E. Bergenstein	Mayor and Chairman, Regional Planning Comm.	Town of Pelham
Mr. R. Hardy	Mayor and Regional Councillor	City of Welland
Mr. B. Longo	Mayor and Regional Councillor	City of Thorold
Mr. E. Neufeld	Chairman, Land Division Committee	Regional Municipality of Niagara
Mr. A. Veale	Director of Planning	Regional Municipality of Niagara
Mr. M. Boggs	Chief Administrative Officer	Regional Municipality of Niagara
Mr. G. Cook	Secretary-Treasurer Regional Land Division Committee	Regional Municipality of Niagara

APPENDIX II

<u>PERSON</u>	<u>POSITION</u>	<u>MUNICIPALITY/AGENCY</u>
Mr. N. Basciano	President	Mountainview Homes
Mr. Z. Weing	Senior Planner	Ministry of Municipal Affairs
Ms. W. Wright	Director of Planning	Regional Municipality of Waterloo
Mr. K. Whiteford	Planning Commissioner	Oxford County
Mr. J. Thoms	Commissioner of Planning	Regional Municipality of Hamilton-Wentworth
Mr. L. Kennaley	Commissioner of Planning and Development	Regional Municipality of Haldimand-Norfolk
Mr. H. Huch	Director of Planning	Regional Municipality of Sudbury
Ms. G. Hall	Director, Water and Resources Planning	Niagara Peninsula Conservation Authority
Mr. K. Birch	Planner	Niagara Parks Commission
Mr. B. Carusetta	Senior Planner	Niagara Escarpment Commission

PART 2**Land Use Regulation**

Since 1975, the development of land in the area of the Plan has been controlled through a development permit system administered by the

Commission under Sections 22 to 26 of *The Niagara Escarpment Planning and Development Act* and *Ontario Regulation 685*. The Act establishes the process and the regulation identifies types of development exempt from control. On average, the Niagara Escarpment Commission processes about 850 development permits each year.

Responsibility for the administration of development applications in the area of the Niagara Escarpment Plan will now be transferred progressively to municipalities, under a two-phased program.

- Initially, administration of the current development permit system will be delegated expeditiously to upper-tier municipalities which express a desire to assume the responsibility. This can be done under current legislation.

- Subsequently, local municipalities may assume responsibility for land-use control provided their official plan is brought into conformity with the Niagara Escarpment Plan, and an acceptable system for controlling development is in place.

Delegation to Upper-Tier Municipalities

The legislative authority for the initial step in the process of delegation is contained in *The Niagara Escarpment Planning and Development Act*.

Section 25(2) of the Act enables the Minister of Municipal Affairs to delegate responsibility to an upper-tier authority for the administration of development control subject to conditions. The upper-tier authority's application to the Minister must include a statement of the organizational structure to be established and the procedures to be followed. The upper-tier municipalities in the area of the Niagara Escarpment Plan include the Regional Municipalities of Niagara, Hamilton-Wentworth, Halton, and Peel and the Counties of Dufferin, Simcoe, Grey and Bruce, and the City of Owen Sound.

The following process of delegation is contemplated:

- Staff from the Ministry of Municipal Affairs, in consultation with the Niagara Escarpment Commission, will initiate discussions with upper-tier authorities immediately to determine their willingness to assume responsibility for the administration of the developing permit system.
- The following criteria must be satisfied:
 - that an approved official plan is in place;
 - that full-time professional staff are available;
 - that adequate financial and administrative resources are available to provide the service; and
 - that applications for delegation be at the request of the qualifying municipality.
- Upon approval, responsibility for the administration of development control will be transferred from the Commission to a municipality, subject to such conditions as the Minister deems desirable.
- The Niagara Escarpment Commission will be responsible for the administration of the development permit process until responsibility is transferred to upper-tier municipalities. Once

Source: Ministry of Municipal Affairs, "The Niagara Escarpment Plan: Implementation Proposals," 1985.

transferred, the Commission will monitor development control decisions and will be given the right to appeal decisions to the Minister.

Delegation to Local Municipalities

In providing for delegation of land-use control to local municipalities, the Minister intends to provide a choice between the current development permit system and the traditional zoning and site plan system. *The Niagara Escarpment Planning and Development Act* will be amended to permit the delegation of the development permit system to a local municipality. Local municipalities may decide to choose one of the above options, or a combination of both. Conversely, they may choose to leave the authority with the upper-tier municipality.

In order to determine which system might be most suitable in the various municipalities affected by the Niagara Escarpment Plan, the Ministry will publish a report setting out the proposed options and will meet with each municipality to discuss their preferences.



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